

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

WALTER LOPEZ-CABRERA,

Defendant.

16-MJ-153-HKS
16-CR-177-FPG

**STATEMENT OF DEFENDANT WITH
RESPECT TO SENTENCING FACTORS**

FONDA DAWN KUBIAK, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender in the Western District of New York and represent the defendant, Walter Lopez-Cabrera, in the above-entitled action brought by the United States of America. I make this affirmation in accordance with the requirements of Section 6A1.2 of the Sentencing Guidelines, "Statement of Defendant with Respect to Sentencing Factors," as promulgated by the United States Sentencing Commission.

2. In accordance with those rules, it is hereby stated on behalf of the defendant, Walter Lopez-Cabrera, I have reviewed the Presentence Report. However, I have not had an opportunity to discuss the report with Mr. Lopez-Cabrera, utilizing a Spanish Interpreter. I will advise the

Court at the time of sentencing whether there are any statements, conclusions or other information contained in that report which she disputes, although that is not anticipated in this case.

DATED: Buffalo, New York, January 24, 2017.

Respectfully submitted,

/s/ Fonda Dawn Kubiak

Fonda Dawn Kubiak
Assistant Federal Public Defender
Federal Public Defender's Office
300 Pearl Street, Suite 200
Buffalo, New York 14202
(716) 551-3341; FAX: 551-3346
fonda_kubiak@fd.org
Attorney for *Walter Lopez-Cabrera*

TO: Brian J. Counihan
Assistant United States Attorney

Jaclyn S. Sainsbury
United States Probation Officer